

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GRACE ALBANESE, et al.,

Case No. 2:17-cv-01284-MMD-NJK

Plaintiff(s),

REPORT AND RECOMMENDATION

VS.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendant(s).

On May 8, 2017, Plaintiff filed an application to proceed *in forma pauperis*, along with a complaint. Docket No. 1. On May 10, 2017, the Court granted Plaintiff’s application to proceed *in forma pauperis* and screened Plaintiff’s complaint. Docket No. 3. The Court found that Plaintiff’s complaint failed to satisfy Rule 8’s¹ basic requirements and failed to demonstrate that the Las Vegas Metropolitan Police Department (“LVMPD”) is a proper defendant in this action. *See id.* at 2-3. The Court therefore dismissed Plaintiff’s complaint with leave to amend. *Id.* at 4.

Now pending before the Court is Plaintiff's amended complaint, which suffers from the same defects as her initial complaint. Docket No. 7. The amended complaint, which contains one page of allegations, fails to describe in sufficient detail the facts underlying this action, makes only conclusory references to "due process and equal protection," and relies on the conclusory assertion that "[m]unicipal liability lies with the Las Vegas Police Department." *Id.* Thus, Plaintiff's second amended complaint again fails to satisfy Rule 8's basic requirements and again fails to demonstrate

¹ Unless otherwise stated, references to “Rules” denote the Federal Rules of Civil Procedure.

1 that LVMPD is a proper defendant in this action.

2 Accordingly, the undersigned hereby **RECOMMENDS** that the Court dismiss this case
3 without prejudice.

4 IT IS SO ORDERED.

5 DATED: June 15, 2017

6 
7 NANCY J. KOPPE
United States Magistrate Judge
8

9 **NOTICE**

10 Pursuant to Local Rule IB 3-2 **any objection to this Report and Recommendation**
11 **must be in writing and filed with the Clerk of the Court within 14 days of service of this**
12 **document.** The Supreme Court has held that the courts of appeal may determine that an appeal
13 has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*,
14 474 U.S. 140, 142 (1985). This Circuit has also held that (1) failure to file objections within the
15 specified time and (2) failure to properly address and brief the objectionable issues waives the
16 right to appeal the District Court's order and/or appeal factual issues from the order of the
17 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United*
18 *Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).